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thanks and praise. It is not the purpose of a book review to lose itself in bursts of enthusiasm and to consist solely of encomiums, but it is not too venturesome to announce that few if any books of the last decade or two will serve to stimulate interest in the sources and development of our law as will these seventy-six essays so ably assembled and placed in proper relation with one another.

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A TREATISE ON THE RULE AGAINST PERPETUITIES, RESTRAINTS ON ALIENATION AND RESTRAINTS ON ENJOYMENT AS APPLICABLE TO GIFTS OF PROPERTY IN PENNSYLVANIA. With a Particular Discussion of Spendthrift Trusts, Married Women's Trusts, Accumulations and Gifts to Charities. By Roland R. Foulke of the Philadelphia Bar. George T. Bisel Co. 1909.

This title suggests, of course, a trespass upon a pre-empted field, and in the nature of things anyone writing upon these subjects must make large use of Mr. Gray's well-known volumes. But the book more than justifies its existence. It cannot be ignored by any one interested in the law of property.

Nowhere is the need more urgent than in Pennsylvania for work of precisely this sort—a thorough and acute examination of the decisions in the light of the established rules, written by a man saturated with his subject, if so moist a metaphor be permissible in this connection. While many volumes dealing with special branches of the law of the State have been published, most of them are no more than ill-arranged and unsatisfactory digests, with little evidence of original thought or investigation. Even among the best, few are comparable in any way with Mr. Foulke's treatise. It is a notable contribution to legal literature, showing thorough comprehension of difficult questions and diligent study of the cases. Its analysis, comparison and criticism of the decisions will be found interesting and refreshingly frank. The author is far from considering that whatever the Supreme Court has decided is right.

Mr. Gray, in one of his prefaces, remarks that upon questions of remoteness there is "a definite recognized rule; if a decision agrees with it, it is right; if it does not agree with it, it is wrong. In no part of the law is the reasoning so mathematical in its character; none has so small a human element. A degree of dogmatism, therefore, may be permitted here which would be unbecoming in other branches of the law. \* \* \*

If a decision conflicts with the Rule against Perpetuities, one may call it wrong, however learned and able the Court that has pronounced it." Mr. Foulke has not hesitated to act upon this dictum, even to the extent of differing on several points from its learned author's statements of the law.

If some of the objections to the cases seem hypercritical, all are in the interest of exact terminology, a praiseworthy and needful object. The author's own style is as clear and precise as even this complex subject demands. When he takes issue upon matters of substance, he has usually cogent reasons in support of his views; and while some of his suggestions are radical, all are provocative of thought.

He severely criticises, at page 27, the definition of a vested remainder in Pepper & Lewis's Digest, Vol. XVII, col. 30294. His first objection is that "it assumes the disputed point of law whether there can be a remainder in personal property." The point, however, is not "disputed" in Pennsylvania. No court here has denied that a future interest in personalty, corresponding to a common-law remainder in realty, is properly called a remainder, or has even deprecated the use of the term. "Interest" and "remainder" have been used interchangeably, especially in cases of mixed devises and bequests and of trusts; and "remainder" has been used by the Supreme Court with direct application to personalty, as in *Whelen v. Phillips*, 151 Pa. 312, quoted with approval in *Phillips's Estate* (No. 2), 205 Pa. 311. Moreover, in the Acts of 1834 and 1871, relating to the entry of security upon delivery of personal property subject to future interests, the phrase "persons entitled in remainder" is used. The other objections are based chiefly upon the effect of the words "in possession" in the first part of the definition, which might well have been omitted. The objection that the words, "it is immaterial that the remainderman will not necessarily be *in esse* when the precedent estate ends," do not apply to a remainder for life is not well taken. Under a limitation to A for life, remainder to B for life, B's remainder is none the less vested because he may die before A, and this is what the definition says.

There are minor inaccuracies, as where (page 88, n. 3) characteristic language of Gibson, J., is attributed to Tilghman, C. J. The references to the sections of Mr. Gray's book are not always correct. It is difficult to understand how decisions of the Supreme Court can be overruled by an opinion of the Superior Court, however able, as is stated at pages 159, 161 and 162. The criticism of Pepper & Lewis's Digest at the foot of page 159 is unwarranted, since the case relied upon by Mr.

Foulke was decided after the publication of that volume of the Digest. In general, however, the book shows great carefulness.

While not many topics will lend themselves to so precise and clean cut a treatment, it is to be hoped that this book will set a standard for future treatises upon the law of Pennsylvania, and help to make them real contributions to learning and to the lightening of obscure corners, rather than perfunctory products manufactured to be sold.

*S. D. M.*

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THE LAW OF UNFAIR BUSINESS COMPETITION. By Harry D. Nims. New York: Baker, Voorhis & Co., 1909.

The title of this book seems to need the rather lengthy sub-title in order that it may be clear to the average reader of the law just what subject-matter is supposed to be covered by the contents. We learn from the sub-title that it treats of "Trade secrets and confidential business relations; unfair interference with contracts; libel and slander of articles of merchandise, trade names, and business credit and reputation." All of these subjects have heretofore been discussed by treatise writers, but under various heads and widely separated divisions of the law until very recently, when some attempt has been made to bring together the decisions covering ground similar to that of this treatise. So little has been done thus far, however, that there was room for a treatise which might bear the stigma of belonging to the fashions of an elder day, but which would give to the seeker after justice toward present day affairs, a foundation upon which he could safely rest his modern superstructure. This room Mr. Nims has not attempted to fill. This is not criticism upon Mr. Nims; it is more than likely that if he had attempted the task—if he not only attempted it, but if he had brought it to a very excellent completion—it would not have found a publisher. In the book as it stands we find what it is supposed the modern lawyer wants: a convenient analysis; black letter headlines to each minute sub-division; copious notes, and—all the cases, or, at all events, all of the more important. All this will undoubtedly render the book of much value to the profession, since it appears to have been done earnestly, honestly and with care. The point is, why do we not go to the encyclopaedias and the digests for this sort of thing? Why have the class of law books formerly designated "treatises" become merely text-books, or a simple running commentary on the decided cases?